

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	Case No. 99A00041
SIERRA BX. SEAFOOD CORP.,	)	
D/B/A JIMMY'S BRONX CAFÉ,	)	MARVIN H. MORSE
Respondent.	)	Administrative Law Judge

ORDER OF DISMISSAL, SETTLED  
(August 16, 1999)

By joint motion filed on August 16, 1999, the parties request that I enter an Order of Dismissal. In support of the motion, the parties attach a copy of their settlement agreement. Absent any reason to withhold approval of the intent of the parties, this Order grants the motion and dismisses the proceeding, subject, however, to the following comments:

The settlement agreement recites in the second "Whereas" clause that the civil money penalty demanded in the complaint was \$31,460. Instead, the sum actually sought was \$ 25,090, a reduction from the larger amount sought in the underlying Notice of Intent to Fine (NIF). Upon review of the settlement agreement in its entirety, I conclude that the reference by the parties to the demand for \$31,460 was intended to refer to the NIF, and not to the complaint. For that reason and because the sum of \$20,000 to be paid according to the agreement is well within the total demand of the complaint, I conclude that the erroneous reference is of no effect.

Paragraph 11 of the agreement recites a schedule which obliges the Respondent to make six equal monthly payments of \$3,335, which in the aggregate totals ten dollars in excess of the agreed sum. Accordingly, the final payment will be reduced to \$3,325.

SO ORDERED.

Dated and entered this 16<sup>th</sup> day of August, 1999.

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Marvin H. Morse  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order of Dismissal, Settled were mailed first class this 16<sup>th</sup> day of August, 1999 addressed as follows:

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